

REMARKS

This amendment is responsive to the Office Action dated April 25, 2005. Claims 1 - 2 are pending in this application and have been rejected. Reexamination is respectfully requested in light of the foregoing amendments in the claims, abstract and title and the following remarks.

These remarks follow the order of the outstanding Office Action beginning at page 1.

Priority Under 35 USC § 119

The Examiner has not acknowledged Applicant's claim for priority or receipt a certified copy of the priority document in parent application 09/979,712. The parent application was filed in accordance with the Patent Cooperation Treaty (priority documents to be sent by the International Bureau). In the Office Action issued January 14, 2003 in the parent application, receipt of the priority document from the International Bureau was confirmed. Therefore, it is requested that the Examiner acknowledge the claim for priority as found in Applicant's Declaration and Power of Attorney as well as in the Application Data Sheet.

Change of Address

Applicant appreciates acknowledgement of the change of address for this application (recodoration of attorney of record's USPTO Customer Number).

Status of Related Applications

Applicant has amended the specification to indicate the status of the related applications.

Claim Rejections Under 35 USC § 102

In response to the rejections as being anticipated by Ramamurthy and Stetler-Stevenson, Applicant has amended both claims 1 and 2 to include the specific formula for the metalloproteinase inhibitor as stated in Applicant's specification, page 6, lines 10 - 15. The Examiner should note that in the amendment filed on August 27, 2003 (same as filing date of application) this formula was amended as now shown in the claim (see page 3 of Applicant's amendment filed August 27, 2003).

In the outstanding references this substance is not present and, therefore, the claims are no longer anticipated.

Claim Rejections - 35 USC § 103

Claim 2 was rejected as being unpatentable over the references applied under 35 USC § 102 on the grounds that it would be obvious to add a promoting agent. The Examiner states that one would have a high expectation of success in promoting basement

membrane formation with a substance known to promote such formation. Since Applicant has amended the claim to include a more specific statement of the substance, the rejection under 35 USC § 103 no longer applies.

Enablement Requirement - 35 USC § 112

At the middle of page 4, the Examiner has rejected claims 1 and 2 as failing to comply with the enablement requirement. This rejection is respectfully traversed because Applicant's specification at pages 3 and 4, where on page 3 at the last line it is stated that skin basement membrane structure is promoted by administering matrix metalloproteinase inhibitor. This is the disclosure of the administration. Still further, Applicant discloses administration at page 9 with respect to experimentation on an aged mouse (page 9, lines 29 - 32). It is, therefore, respectfully submitted that enablement is provided.

Claim Rejections - 35 USC § 112(first paragraph)

The claims have now been amended to provide a specific MMP inhibitor which enables one of ordinary skill in the art to make and use the invention. This is in response to the Examiner's rejection found in the last paragraph on page 4 of the Office Action. At page 5, beginning at line 4, the Examiner asserts that the entire scope of the claims has not been enabled for eight different reasons. By amendment of the claims to include a

specific MMP as found in independent claims 1 and 2, it is respectfully submitted that each and every one of the eight reasons for the enablement rejection has been overcome.

Claim Rejections - 35 USC § 112 (second paragraph)

At the top of page 6, the Examiner has rejected previously presented claims 1 and 2 under 35 USC § 112 (second paragraph) as being indefinite. In this rejection the Examiner states, "It would appear any animal with skin requires basement membrane formation." Applicant respectfully traverses this observation on the grounds that it is an overgeneralization. As disclosed in Applicant's specification, skin basement membrane formation is for specific purposes, as outlined in Applicant's description of the background art (pages 1 - 3). It is respectfully submitted that not all skin requires basement membrane formation treatment. Applicant's are for a method of promoting skin basement membrane formation from which skin basement membrane formation is necessary. The undersigned respectfully submits that such necessity may not be required in all human beings, but only those where there are injuries caused by affects of the external environment and aging, including the exposure of skin to sunlight (Applicant's specification page 1, lines 14 - 18). Other situations where the method of this application would apply are found beginning at page 1, line 18 through page 3, line 26.

Title of the Invention

Applicant has amended the title to reflect the claims as now presented.

Abstract

The abstract has now been amended to reflect the claims as now presented.

New Claims 7 - 23

New claims 7 - 13 and 14 - 20 include additional substances, which may be mixed into the compositions, and compounds set forth in claims 1 and 2. In Applicant's specification at page 10, line 2, Applicant discloses such mixtures. Also, Applicant discloses at page 13, beginning at line 15 that the substances set forth in this group of claims have similar effects as matrix metalloproteinase inhibitors.

In new claims 21 and 22 Applicant sets forth other substances which may be used with the mixture which are found on page 26, lines 11 - 15 of the specification. New claim 23 sets forth the specific matrix metalloproteinase found in Table 1 at page 25 of Applicant's specification.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early

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action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current condition, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,



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